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PART II - MISCELLANEOUS NOTIFICATIONSN OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,
CHIEF EXECUTIVE OFFICER, ANDHRA PRADESH
STATE WAQF BOARD :: VIJAYAWADA

SHOW CAUSE NOTICE ISSUED TO DARGAH HAZRATH GALIB SHAHEED (Rh) AT BHAVANIPURAM, VIJAYAWADA - FAILURE TO PERFORM MANDATORY DUTIES OF THE MANAGEMENT OF INSTITUTION AND VIOLATED THE RELEVANT PROVISIONS OF THE WAQF ACT - MUJAWARS COMMITTEE ACTED ADVERSE TO THE INTEREST OF WAQF INSTITUTION AND DISPUTED THE TITLE OF ATTACHED WAQF PROPERTIES AND FILING OF WRIT PETITIONS AGAINST WAQF BOARD FOR GRABBING OF LEASE AMOUNT DERIVING FROM THE ATTACHED WAQF LANDS - EXPLANATION RECEIVED.

- Ref :-
- 1) This Office Proceedings No. B3/36/KST/2002, Dated : 01 -02-2005.
 - 2) Legal Notice from P.Sri Ram, Advocate on behalf of Md.Nayeem, S/o. Ataulla, Dated : 20-03-2017
 - 3) This Office memo of even No., Dated: 28-04-2017.
 - 4) Reply Notice from Md.Mushtaque Ahamed, S/o Abdul Jaleel. Dated : 15-06-2017.
 - 5) The Joint report of T.F.O. and IA Waqfs Krishna District bearing No.02/TFO/APSWB/DHGS/VJW/KST/2018, Dated : 29-05-2018 and 30-05-2018.
 - 6) Orders of the Hon'ble Chairperson, A.P State Waqf Board. Dated : 21-08-2018.
 - 7) Board's Resolution No. 116 / 2018, Dated : 29-08-2018
 - 8) This Office Show Cause Notice of even no. Dated : 06.09.2018.
 - 9) Reply to the Show Cause Notice submitted by (7) mujawars, Dated : NIL, received by this office on 24.09.2018
 - 10) Board's Resolution No. 134 / 2018, Dated : 29-09-2018

F.No.R4/678/Rent/KSN/2003,- The Institution Dargah Hazrath Syed Galib Shaheed (Rh), Bhavanipuram, Vijayawada, Krishna District and its attached landed property in Sy.No.10 to an extent of Ac 45-76 Cents, Sy.No.64/2 to an extent Ac.1-57 cents, Sy.No.63 to an extent of Ac.35-20 Cents situated at Bhavanipuram Vijayawada and Sy.No.600 to an extent of Ac.16-73 Cents and Sy.No.608 to an extent of Ac.16-85 Cents situated at Gollapudi Village are notified Waqf and got published in the AP Gazette No.26, Part-II, Dated : 28-06-1962 at Page Nos.710 & 711 under Sl.No.747., based on the Survey Commissioner's report Dated : 26.11.2055, subject Dargah was notified as Waqf.

2) The Waqf Board had constituted a Mujawars Committee vide proceedings No.B3/36/KST/2002, dated:01-02-2005 vide reference 1st read above consisting of eleven (11) Mujawars U/Sec.42 of the Waqf Act, 1995 to look after the affairs of subject Dargah and to pay Waqf fund by maintaining the accounts properly. Out of 11 members, four of them were died.

3) As per Proceedings No.B3/36/KST/2002, dated:01-02-2005, the Board has reserved its right to cancel / modify / alter / withdraw the said order / proceedings at anytime without assigning any reasons thereon.

4) The Waqf Board issued proceedings No.37/KST/T/2015, Dated : 02.12.2015 placed the Mujawars Committee of Dargah Hzt. Galib Shaheed Rh., rep. by its President Sri Abdul Raheem, S/o.Mohd. Akbar, under suspension Under Sec.64 (5) of the Waqf Act, 1995, for leasing out the Waqf property in violation of the Waqf Properties Lease Rules, 2014 and also failed to perform the duties in submission of Budget and accounts in accordance with the provisions of Waqf Act, 1995. Later on, the Waqf Board extended the suspension of 10 days for further period pending enquiry. Thereafter, as per the undertaking Dated : 08.06.2016 along with representation given by the Mujawars committee, the Board issued vide Proceedings bearing No.37/KST/T/2015, Dated : 15.06.2016 and subsequently closed the enquiry. A scheme was also formulated appointing an Executive Officer under Sec.38 of the Wakf Act, 1995. In spite of warning given to the Committee not to contravene the provisions of the Waqf Act, the Committee indulged in violation of the provisions of the Waqf Act and Rules made thereunder and withheld the relevant information without disclosing about the state of affairs prevailing at the Institution.

5) In this regard, the following irregularities among others are noticed :

- a) They failed to take action when some antisocial elements made efforts to grab the Waqf property and None of them have informed these irregularities to the Board, and thus committed to breach of trust.

- b) While so, that Sri Ram & Co / Law Offices. Hyderabad has issued a legal notice, Dated : 20-03-2017 in the reference 2nd read above to Waqf Board and Superintendent Engineer R&B. NH Circle Vijayawada on behalf of Sri Md. Nayeem, R/o Bhavanipuram Dargah. Vijayawada alleging that their client and his family members are the successors of the original Inamdars (Grantees) of the land in Sy Nos.10, 63, 64/1 of Bhavanipuram. Vijayawada Urban and Sy.No.600, 608/1A, 608/1B of Gollapudi Village admeasuring 116 Acres showing an entry in the name of Abdul Rahim and Abdul Rehaman as per the register of Inams in the Village of Bhavanipuram, in the Taluk of Bejavada, Krishna District and that the land was granted to them by Maharaj Khan Bahadur in the year 1722 A.D. and that the said Inam is a personal Inam belongs to their clients claiming as the rightful owners and got Pattadar pass books in their favour. Further, the version in the said notice is as if the land in Sy.No.10 is personal Inam granted by a separate Title Deed and that the Waqf Board mislead their clients in believing that the lands are Waqf lands.
- c) The very same Law Firm issued 2nd notice on behalf of one Sri Md. Mushtaque Ahamed asserting that he is the President of the Mujawars Committee. Thus, Sri Md. Mushtaque Ahamed, who is the son of Abdul Jaleel. one of the Committee Members has wrongly set up claim and intentionally denying the title of Waqf with a sinister motive. Ex.facie, it is a registered Waqf supported by records as “service burdened” as per Waqf Commissioner’s report Dated : 26.11.1955 on the lines of IFR and R.S.R. Further, the Board vide its Memo No: R4/678/Rent/KST/2003, Dated : 28.4.2017 requested the President to provide necessary information to the Board so as to give a reply to the Legal Notice. But no such information is furnished. It has come to the notice that the Mujawars Committee is acting adverse to the interest of Waqf in the name of so called President of the Mujawars Committee. It is also found that aforesaid Md.Nayeem and Md.Musthaque Ahamed are hand in glove with an evil design to grab the lease-hold amount which is in crores of rupees payable by lessee i.e., R & B Department in respect of Sy.No.10 of Bhavanipuram, Vijayawada admeasuring Ac.20-90 Cents. Further, Mr. Md. Mustaq Ahmed and Mr. Sk. Abdul Saleem, who are sons of committee members namely Sri Abdul Jaleel and Sri Abdul Kareem, of the subject Institution have filed a Writ Petition in WP No.24730/2017 against the Waqf Board and R & B, NH Circle, Vijayawada and others setting up false claim to the detriment of Board with a malafide intention to grab the lease amount. Thus, the so called Mujawars Committee deliberately failed to protect the Waqf property and allowed their kith and kin to act adverse to the interest of the subject institution and Boards functioning.

- d) The Mujawars Committee members are embezzling the income of the attached Waqf properties of the Dargah and also failed to report to the Waqf Board about illegal constructions made in Waqf properties and they are indirectly promoting such illegal activities. The Task Force Officer and by the concerned Inspector Auditor Waqfs of Krishna District submitted in the joint report in the reference 5th read above regarding illegal constructions made in the attached Waqf property in Sy.No. 600 of Gollapudi Village, Vijayawada Rural.
- e) The Mujawars Committee by playing deception as owners had received an amount of Rs.50,25,900/- (Rupees Fifty lakhs twenty five thousand and nine hundred) from the occupiers in the sense of sale consideration during the year 2001 in respect of Waqf Land in Sy.No.600 of Gollapudi Village by way of D.Ds. and failed to account for it. Later, the Mujawars Committee failed to return the amount to the respective occupiers, as per the orders of the A.P. Waqf Tribunal. even though the A.P. Waqf Tribunal in (11) suits directed the 1st defendant therein i.e. Mujawars Committee to refund the same, but they failed to return or responded to the Waqf Board in pursuance of the letter in F.No.05/L2/WT/KST/2005, Dated : 05 10.2016. addressed to them Even after two years, they failed to refund and caused heavy loss of income to the Waqf institution. The direction issued by the Waqf Board is not complied with and thus violated deliberately.
- f) Contrary to the undertaking dt:08-06-2016 given by the Mujawars-Committee, as briefed above along with their representation inter alia they set up false claim. The details are :

“ the proposed scheme prepared by us and we assure to abide by the provisions of Waqf Act, 1995 and Waqf Properties Lease Rules, 2014 and also we have no objection for performance of duties with the support of Executive Officer, if appointed under Sec.38 of Waqf Act, 1995 “

6. It is surprising that they executed rental agreements and registered in favour of various persons to the extent of remaining Waqf property after deducting an extent of Ac.20-90 Cts out of Acs.45.76 cents in Sy.No:10 of Bhavanipuram (V) without obtaining prior permission, consent and knowledge of Waqf Board which is mandatory as required U/Sec.51 & 56 (2) of the Waqf Act, 1995 for leasing out the Waqf properties. Further, on physical inspection of the said Waqf land in Sy.No:10 of Bhavanipuram (V), it is found that several structures have been built up with the support of the Mujawars Committee without prior permission of the Board required to be obtained under Rule 20(2) of Waqf properties Lease Rules, 2014. Thus, the misconduct of the Mujawars Committee is crystal clear that they would do any such things

for their own benefits without following any Rule position. It is also clear from their attitude that they do not bother to safeguard the Waqf property for the sake of Allah and subject Holy Saint.

7. The agenda was placed before the Board in its meeting held on 29 08.2018. In order to provide an opportunity to the Mujawars Committee, the Board passed an unanimous Resolution to issue Show Cause Notice to them Accordingly a Show Cause Notice in the ref.8” read above, was issued calling upon to show cause as to why appropriate action should not be initiated regarding management of subject Institution to protect its valuable attached Waqf properties and for the omissions and commissions which are grave in nature. Briefed above, giving ten (10) days time to reply.

8. The reply of the 8 signatories was received in the office on 24.09.2018, which placed before the Board. The Board after detailed examination of the Show Cause Notice reply and the record passed the following Resolution :

“That in the reply signed and given by 8 persons, instead of restricting to giving answers to the questions raised they made counter allegations against the authority of the Waqf Board, Chief Executive Officer, the Task Force Officer and other staff members of the Waqf Board, without having any basis or substance. In the explanation submitted by the above persons, some of the adverse claims made by them are as follows :-

- (i) the lands are their personal service Inam lands ;
- (ii) they are neither employees, nor servants of the Wakf Board either to suspend or remove them ;
- (iii) the Waqf Board has no right whatsoever to claim the lands as being Waqf lands;
- (iv) there is no obligation whatsoever on the committee and the family members to inform the Waqf Board about the death of Mujawars out of (11) members constituted by the Board in the year 2005 ;
- (v) They got issued above legal notices to protect their personal right on the Waqf property.
- (vi) the Waqf Board is pocketing the entire amount as if it is were their own;
- (vii) the Waqf Board and its staff members are trying to extract money from the tenants;
- (viii) the Chief Executive Officer of Waqf Board never cooperated with Mujawars Committee;
- (ix) Now they realised that they have been mislead by Waqf Board in several times to their interest and they are now taking corrective measures to protect their rights.

All the above contentions and other claims made by them are not supported by any documentary evidence and the explanation is not satisfactory.

From the explanation, it is abundantly clear that they are acting adverse to the interest of the Waqf Board, violating statutory provisions and are causing grave threat to the Waqf properties which is in their management and also in view of the fact that there is no suitable person to be appointed as the Mutawalli for the Waqf institution right now, the Waqf Board in exercise of the powers Under Sec.65 (1) as well as Under Sec.65(5) of the Waqf Act, 1995, has taken a decision to take over the subject Waqf institution along with its movable and immovable properties under direct management of the Board by appointing Executive Officer with immediate effect”.

9. In pursuance to the Resolution No 134/2018, Dated : 29-09-2018, the Board, the Waqf Institution Dargah Hazrath Syed Galib Shaheed (Rh), Bhavanipuram, Vijayawada, Krishna District and its attached landed property in Sy.No.10 to an extent of Ac.45-76 Cents, Sy.No.64/2 to an extent Ac. 1-57 cents, Sy.No.63 to an extent of Ac.35-20 Cents situated at Bhavanipuram Vijayawada and Sy.No.600 to an extent of Ac.16-73 Cents and Sy.No.608 to an extent of Ac.16-85 Cents situated at Gollapudi Village, are hereby taken under direct management U/s. 65(1) as well as U/s. 65(5) of the Waqf Act, 1995 with immediate effect. Sri Shaik. Ahamed Dy. Secretary APSWB, Sri Mohd. Shamsuddin, Asst. Secretary, Sri M.A. Khuddus, Asst. Secretary/ TFO, Sri. Syed Adam Shafi, Asst. Secretary, and Sri M.A. Aleem & Mohd. Nuhu Ali Shah , & Inspector Auditors Waqfs, Krishna District, are hereby directed to assume the institution under direct management under the control of Waqf Board. Sri Md. Shamsuddin, Asst. Secretary, APSWB shall discharge the duties as Executive Officer of the said Institution during the period of Direct Management and to manage the day to day affairs of Waqf under subject matter until further orders.

29-09-2018.

L. ABDUL KHADIR,
Chief Executive Officer,
Andhra Pradesh State Waqf Board,
Vijayawada.

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